

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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GREGORY DESTINE a/k/a/ Mrs. GoGo Destine,	:	
	:	
Plaintiff,	:	20-CV-0082 (LTS) (OTW)
	:	
-against-	:	<u>ORDER</u>
	:	
ROMEO JOSEPH,	:	
	:	
Defendant.	:	
	:	
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ONA T. WANG, United States Magistrate Judge:

Defense counsel’s February 18, 2022 letter informs the Court that he failed to ensure that Plaintiff received the transcript of the December 15th, 2021 conference, as explicitly ordered. (ECF 128). *See* ECF 124 (“Defendant is directed to order a copy of the conference transcript and provide a copy to Plaintiff using a trackable delivery service, in light of Plaintiff’s claim that they have not received any documents.”). The conference and subsequent briefing schedule were, in part, about Plaintiff’s claims that she had not received a significant portion of discovery from defense counsel.

Two months after this Court’s Order, defense counsel confirmed the accuracy of Plaintiff’s address with the correctional facility. Even though the facility refused the mail, Defense counsel does not state why the facility returned the mail and does not make any attempt to cure any deficiencies in his mailing.¹ Defense counsel is in violation of this Court’s Order (ECF 124) and is ordered to confirm with the correctional facility the proper mailing

¹ Remarkably, he sends a copy of this letter to Plaintiff “via regular mail.” (ECF 128 at 2).

address and mailing procedures, and mail Plaintiff, in a trackable form: (1) a copy of the transcript; (2) the December 16, 2021 Order (ECF 124); (3) Defense counsel's letter (ECF 128), and (4) this Order. **Upon the facility receiving and accepting this package, Defense counsel is directed to file a letter on the docket, confirming its status.**

Since Plaintiff never received the documents she was awaiting to brief these issues, I have amended the briefing schedule as follows: Plaintiff is directed to review the transcript and submit a request in writing for any additional relief sought by **April 1, 2022**, including (1) any requests to further amend the Complaint, and (2) any requests for discovery. Defendant shall submit, by **April 15, 2022**, their response to Plaintiff's request(s), treating any requests made by Plaintiff either orally in the transcript or in writing, as motions for relief. Defendant's submission will also provide a status of discovery.

As directed, Defense counsel is directed to mail a copy of this Order to *pro se* Plaintiff.

SO ORDERED.

Dated: March 2, 2022
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge